

Application No.: 10/672581

Case No.: 57135US004

REMARKS

Claims 1, 6, and 9 have been canceled. Claims 2, 4, 8, 11, 14 and 17 have been amended. Claims 21 to 25 are new. Claims 2 – 5, 7, 8, and 10 – 25 are pending in the application. Examination and reconsideration of the claims, as amended, are respectfully requested.

Claim 2 has been amended to incorporate the subject matter of former claim 9 therein. Additionally, claim 2 (also claim 8) has been clarified by stating that the composition can be cured after forming into a shipping or storage container “or one or more shaped parts thereof”. This added phrase finds antecedent basis in the specification, for example, on page 4, lines 22-23, and page 14, lines 28-31. Claim 4 has been amended to clarify its language and to incorporate the subject matter of former claim 6 therein. Claim 8 has been amended to make it independent by incorporating subject matter from claim 2 therein. Additionally, claim 8 now contains the “shaped parts” language of claim 2 and, for clarification, language for securing the parts together, as is disclosed in the specification, for example, on page 14, lines 28-31. Claims 11, 14, and 17 have been amended to clarify their dependencies. Claims 17 and 20 have been amended to clarify their meanings.

New claim 21 is drawn to add friction material, already present in claim 7. New claim 22 is drawn to include adhering friction material to the surface of the plastic container without the addition of an adhesive. This is in accordance with the disclosure in the specification, for example, on pages 18-19, bridging sentence. New claim 23 is drawn to a method of preparing a plastic pallet or one or more shaped parts thereof, which is in accordance with pending claims 2, 12, and the specification, for example, at page 4, lines 22-23, and page 14, lines 28-31. New claims 24 and 25 are drawn to the further step of securing together the shaped parts of claims 2 and 23, respectively, which is in accordance with the specification, for example, on page 14, lines 28-31.

Information Disclosure Statement

The Office Action states there is no list of references attached to the IDS filed February 2, 2004. Applicant does not know how this omission occurred and if the omission occurred at this end, he apologizes for it. Applicant's file contains the reference listing attached to the IDS and will enclose a copy with this Amendment and Response.

Application No.: 10/672581

Case No.: 57135US004

Supplementary Information Disclosure Statement

Applicant encloses herewith a Supplementary Information Disclosure Statement to make of record references cited during prosecution in the parent patent application USSN 09/990,601.

Claim Rejections – 35 U.S.C. 102 and 103

Claims 1, 4, 5 and 17 have been rejected under 35 U.S.C. 102(b) as being anticipated by Terao et al. (JP 07-331033).

Terao et al. relates to an epoxy-polyolefin blend in combination with a non-halogen-based flame retardant that is useful to produce molded goods. Shipping or storage containers or plastic pallets are not disclosed.

Claims 2, 3, 7, 10, 12, 13, 15, 16, and 18-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, Jr. et al. (U.S. Pat. No. 6,705,237) in view of Terao et al. (JP 07-331033).

Moore, Jr. et al. relates to plastic pallet design. A non-halogenated flame retardant is not disclosed, nor are details of a thermoset-thermoplastic mix (as is disclosed in the present invention).

Terao et al. relates to an epoxy-polyolefin blend in combination with a non-halogen-based flame retardant that is useful to produce molded goods. Plastic pallets are not disclosed.

Applicant finds no teaching or suggestion in either reference urging a combination of features that would lead to the plastic pallet of the present invention.

However, to facilitate prosecution and allowance of this application, Applicant has amended the claims in accordance with the suggestions of the Examiner (see section in the Office Action titled *Allowable Subject matter*). All claims now depend directly or indirectly from independent claims containing subject matter indicated as allowable in the Office Action.

Conclusion

It is submitted that in view of the amendments to the claims and the arguments presented all rejections and objections have been overcome. Examination and reconsideration of the

Application No.: 10/672581Case No.: 57135US004

application, as amended, are requested. Allowance of claims 2-5, 7, 8, and 10-25 at an early date is solicited.

Applicant's attorney, Lorraine Sherman, acknowledges with thanks the telephone interview kindly accorded her by Examiner Feely on October 26, 2005. A Summary of Interview sheet is enclosed.

Respectfully submitted,

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Date

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